

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

MDL 2724  
16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

*1199SEIU National Benefit Fund v. Actavis  
Holdco U.S., Inc.*

Civil Action No. 19-6011

ORDER

AND NOW, this 19<sup>th</sup> day of February 2020, upon consideration of the attached Joint Stipulation to Waive Service and Extend the Deadline for certain Defendants to Respond to the End-Payer Plaintiffs' December 19, 2019 Complaint, it is hereby **ORDERED** that the Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

  
CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**1199SEIU NATIONAL BENEFIT FUND, et al.,**

**Plaintiffs,**

**v.**

**ACTAVIS HOLDCO U.S., INC., et al.,**

**Defendants.**

**MDL 2724  
16-MD-2724  
HON. CYNTHIA M. RUFE**

**CIVIL ACTION  
NO. 19-6011-CMR**

**JURY TRIAL DEMANDED**

**JOINT STIPULATION TO WAIVE SERVICE AND  
EXTEND THE DEADLINE FOR DEFENDANTS TO RESPOND TO  
END-PAYER CLASS ACTION COMPLAINT**

WHEREAS, 1199SEIU National Benefit Fund; 1199SEIU Greater New York Benefit Fund; 1199SEIU National Benefit Fund For Home Care Workers; 1199SEIU Licensed Practical Nurses Welfare Fund; American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan; Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana and HMO Louisiana, Inc.; Self-Insured Schools of California; and Sergeants Benevolent Association Health and Welfare Fund, on behalf of themselves and all others similarly situated, (collectively "Plaintiffs") filed a Complaint on December 19, 2019 in *1199SEIU National Benefit Fund, et al. v. Actavis Holdco U.S., Inc., et al.*, Case No. 2:19-cv-06011-CMR, MDL No. 2724;

WHEREAS, Actavis Holdco U.S., Inc.; Actavis Elizabeth LLC; Actavis Pharma, Inc.;

Akorn Inc.; Akorn Sales, Inc.; Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals, LLC; Apotex Corp.; Ascend Laboratories, LLC; Aurobindo Pharma USA, Inc.; Barr Pharmaceuticals, LLC; Bausch Health Americas, Inc.; Bausch Health US, LLC; Breckenridge Pharmaceutical, Inc.; Citron Pharma LLC; Dava Pharmaceuticals, LLC; Dr. Reddy's Laboratories, Inc.; Epic Pharma, LLC; Fougera Pharmaceuticals Inc.; Generics Bidco I, LLC; Glenmark Pharmaceuticals, Inc., USA; Greenstone, LLC; G&W Laboratories, Inc.; Heritage Pharmaceuticals, Inc.; Hikma Labs, Inc.; Hikma Pharmaceuticals USA, Inc.; Hi-Tech Pharmacal Co., Inc.; Impax Laboratories, LLC; Lannett Company, Inc.; Lupin Pharmaceuticals, Inc.; Mayne Pharma Inc.; Morton Grove Pharmaceuticals, Inc.; Mutual Pharmaceutical Company, Inc.; Mylan Inc.; Mylan Pharmaceuticals, Inc.; Oceanside Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Perrigo New York, Inc.; Pfizer, Inc.; Pliva, Inc.; Sandoz Inc.; Sun Pharmaceutical Industries, Inc.; Taro Pharmaceuticals USA, Inc.; Teligent Inc.; Teva Pharmaceuticals USA, Inc.; Upsher-Smith Laboratories, LLC; VersaPharm, Inc.; West-Ward Columbus, Inc.; West-Ward Pharmaceuticals Inc.; Wockhardt USA LLC; and, Zydus Pharmaceuticals (USA) Inc. (collectively, "Waiving Defendants"), have agreed to waive service of the End-Payer Class Action Complaint, and the parties have reached an agreement to extend the time within which the Stipulating Defendants must move against, answer or otherwise respond to the End-Payer Class Action Complaint;

WHEREAS, on February 7, 2020, the End-Payer Class Action Complaint filed by Plaintiffs on December 19, 2019, was served on Defendant Camber Pharmaceuticals, Inc. ("Camber"), and Plaintiffs have agreed to extend the time within which Camber must move against, answer, or otherwise respond to the Complaint;

WHEREAS, on February 4, 2020, the End-Payer Class Action Complaint filed by

Plaintiffs on December 19, 2019 was served on Defendant Alvogen, Inc. ("Alvogen," and, together with Camber and the Waiving Defendants, the "Stipulating Defendants"), and Plaintiffs have agreed to extend the time within which Alvogen must move against, answer, or otherwise respond to the Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. The Waiving Defendants waive service of the End-Payer Class Action Complaint and Summonses pursuant to Federal Rule of Civil Procedure 4(d), and this Stipulation shall be deemed proof of that waiver pursuant to Federal Rule of Civil Procedure 4(d)(4).

2. The deadline for the Stipulating Defendants to move against, answer, or otherwise respond to the End-Payer Class Action Complaint is ADJOURNED until such time as the Court orders the filing of responses to complaints filed on or after May 10, 2019.

3. This Stipulation does not constitute a waiver by the Stipulating Defendants of any defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure 12, except that the Stipulating Defendants do not contest personal jurisdiction.

IT IS SO STIPULATED.

Dated: February 14, 2020

/s/ Roberta D. Liebenberg  
Roberta D. Liebenberg  
FINE, KAPLAN AND BLACK, R.P.C.  
One South Broad Street, 23<sup>rd</sup> Floor  
Philadelphia, PA 19107  
215-567-6565  
[rliebenberg@finekaplan.com](mailto:rliebenberg@finekaplan.com)

**Liaison and Lead Counsel for  
End-Payer Plaintiffs**

/s/ Jan P. Levine  
Jan P. Levine  
PEPPER HAMILTON LLP  
3000 Two Logan Square  
Eighteenth & Arch Streets  
Philadelphia, PA 19103-2799  
Tel: (215) 981-4000  
Fax: (215) 981-4750  
[levinej@pepperlaw.com](mailto:levinej@pepperlaw.com)

/s/ Sheron Korpus

Sheron Korpus  
KASOWITZ BENSON TORRES  
LLP  
1633 Broadway  
New York, New York 10019  
Tel: (212) 506-1700  
Fax: (212) 506-1800  
[skorpus@kasowitz.com](mailto:skorpus@kasowitz.com)

/s/ Saul P. Morgenstern

Saul P. Morgenstern  
ARNOLD & PORTER KAYE  
SCHOLER LLP  
250 W. 55th Street  
New York, NY 10019  
Tel: (212) 836-8000  
Fax: (212) 836-8689  
[saul.morgenstern@arnoldporter.com](mailto:saul.morgenstern@arnoldporter.com)

/s/ Laura S. Shores

Laura S. Shores  
ARNOLD & PORTER KAYE  
SCHOLER LLP  
601 Massachusetts Avenue  
Washington, DC 20001  
Tel: (202) 942-5000  
Fax: (202) 942-5999  
[laura.shores@arnoldporter.com](mailto:laura.shores@arnoldporter.com)

/s/ Chul Pak

Chul Pak  
WILSON SONSINI GOODRICH &  
ROSATI  
Professional Corporation  
1301 Avenue of the Americas, 40th Fl.  
New York, NY 10019  
Tel: (212) 999-5800  
Fax: (212) 999-5899  
[cpak@wsgr.com](mailto:cpak@wsgr.com)

**Liaison Counsel for Defendants**